

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

BEST FLOORING, INC.,  
Plaintiff,

VS.

M&I MARSHALL & ILSLEY BANK,  
Defendant.

1:12-cv-5-WTL-TAB

## ADOPTION

The Magistrate Judge submitted his Report and Recommendation on Defendant's motion to dismiss. Parties were afforded due opportunity pursuant to statute and the rules of this Court to file objections. The District Judge, having considered the Magistrate Judge's Report and Recommendation and any objections, approves and adopts the Magistrate Judge's Report and Recommendation. Accordingly, Defendant's motion to dismiss [Docket No. 10] is granted. However, Plaintiff is given fourteen days to amend its unjust enrichment, third-party beneficiary, and tortious interference with contract claims, provided that Plaintiff can do so appropriately and within the dictates of Rule 11's boundaries. Plaintiff's bank control liability claim is dismissed with prejudice.

08/07/2012

William Lawrence

Hon. William T. Lawrence, Judge  
United States District Court  
Southern District of Indiana

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